

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. S-08/09-440
)
 Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department for Children and Families, Health Access Eligibility Unit (HAEU) finding her ineligible for Medicaid. The issue is whether the petitioner's income exceeds that program's maximum.

FINDINGS OF FACT

1. The Department notified the petitioner in August 2009 that her application for Medicaid was denied due to excess income. The petitioner does not dispute that she currently has gross monthly income of \$1,596.60 from Social Security disability benefits.

2. Based on this income the Department determined that she had to incur a Medicaid spenddown amount of \$3,342 for the six-month period beginning July 1, 2009 before she could be eligible for Medicaid coverage.

3. Based on her income the Department found the petitioner eligible for VPharm (subject to a monthly premium) and the Healthy Vermonters Program. It appears that the

Department also determined that the petitioner was ineligible for VHAP based on her eligibility for of Medicare.

4. Within the last year the petitioner was under a guardianship, and had a representative payee. She filed her appeal in this matter after she assumed control of her own finances.

ORDER

The decision of the Department is affirmed.

REASONS

For Medicaid, the maximum allowable income for a single person is \$9161 a month. W.A.M. § P-2420. Eligibility is determined over a six-month period. § 4440. Individuals may qualify for Medicaid coverage by "spending down" their income that is in excess of the maximum. § 4433. At the hearing (held on October 8, 2009) the petitioner was advised that when she incurs any uncovered medical expenses, these can also be applied to her spenddown.

In this case, it appears the Department has accurately determined the petitioner's income in accord with the above regulations. Therefore, the Board is bound to uphold the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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